

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

FAO No.2988 of 2017
Date of Decision : 08.04.2019

Neelam and others

Appellants

Versus

Balwinder Singh and others

Respondents

FAO No.6272 of 2017 (O&M)

Usha

Appellant

Versus

Balwinder Singh and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Pawan Attri, Advocate for
Mr. Raj Kapoor Malik, Advocate
for the appellants [in FAO No.2988 of 2017].

Mr. Pawan Attri, Advocate
for the appellant [in FAO No.6272 of 2017].

Mr. Lalit Garg, Advocate
for respondent No.3 [in both appeals].

AVNEESH JHINGAN, J (Oral)

The award dated 30.11.2016 passed by the Motor Accident Claims Tribunal, Kaithal [for brevity 'the Tribunal'] has been assailed by widow, two minor children and mother of Balinder (deceased) by filing two separate appeals, seeking enhancement of compensation awarded under Section 166 of

the Motor Vehicles Act, 1988 [for brevity 'the Act'].

There is no dispute between the parties with regard to factum of accident and liability to pay the compensation. In the appeal filed by mother of the deceased, an application has been moved for adducing additional evidence i.e. Salary Certificate and Qualification Certificate of the deceased. The Salary Certificate was produced before the Tribunal as marked document but the same was not proved. The Tribunal assessed monthly income of the deceased as ₹6,000/- ignoring the marked document.

Learned counsel for the applicant/appellant contends that the counsel appearing before the Tribunal advised the claimant that as the Salary Certificate has been produced as a marked document, the onus would be on the insurance company to rebut the same. He submits that if an opportunity is provided, the claimant would be able to prove the Salary Certificate.

Learned counsel for the insurer argues that as the Salary Certificate was produced as marked document only, the same needs to be proved and verified before taking the same into consideration. He submits that one opportunity be granted to the insurer to verify and rebut the same.

Without expressing any opinion on the merits of the case, the issue only with regard to quantum of compensation is remitted back to the Tribunal to decide afresh in accordance with

law after providing opportunity to the claimants and insurer to
adduce evidence in support of their claims, if so desired.

The claimants and insurer are directed to appear
before the Tribunal on 30.05.2019.

Both the appeals are disposed of.

[AVNEESH JHINGAN]
JUDGE

April 08, 2019
pankaj baweja

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|-------------------------------|---|-----|
| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | No |